

UNITED STATES COURT OF INTERNATIONAL TRADE

[Plaintiff's Name],

Plaintiff,
v.

[Defendant's Name],

Defendant.

BEFORE: POGUE, JUDGE

COURT No.

[Name of attorneys] for the Plaintiff.

[Name of attorneys] for the Defendant.

JOINT PRETRIAL ORDER

At the pretrial conference held on [date] before the Hon. Donald C. Pogue, and attended by counsel, the following matters were discussed and agreed to, and are hereby ORDERED:

1. General. The parties recognize that this joint pretrial order controls the subsequent course of the action unless the order is modified by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The attached schedules, each on a separate sheet, are part of this order.

2. Parties and Counsel. Schedule A sets forth the names of all parties; the names, addresses and telephone numbers of their respective attorneys, and the names of trial counsel for each party.

3. Jurisdiction. Schedule B-1 sets forth the statutes, legal doctrines, and facts upon which Plaintiff claims jurisdiction. Schedule B-2 indicates which of these, if any, are contested.

4. Uncontested Facts. All material facts that are without substantial controversy are set forth in Schedule C (in the

form required by Rule 56). Material facts that are actually and in good faith controverted, and which a party intends to establish at trial, are separately listed in Schedules C-1, C-2, etc. Facts not included in these schedules may not be established at trial.

5. Claims and Defenses. The parties' claims and defenses are separately listed in Schedule D-1, D-2, etc.

6. Damages and Other Relief. Claims with respect to damages and other relief sought by each party are detailed in Schedules E-1, E-2, etc.

7. Waiver of Claims. The parties waive all claims with respect to liability, damages, and other relief and all affirmative defenses which are not set forth in Schedules D and E.

8. Triable Issues. Schedule F sets forth and separately numbers the issues of the case, without simply restating the disputed facts. All legal issues are to be addressed prior to the commencement of the trial. If the parties cannot agree as to the issues, then their separate statement of the issues shall be set forth as Schedules F-1, F-2, etc.

9. Witnesses. Schedules G-1, G-2, etc. list for the respective parties the witnesses they will or will probably call to testify at the trial, setting forth for each witness (a) name, (b) address, (c) a summary of expected testimony, and, for expert witnesses, (d) a curriculum vitae, (e) the area of expertise, and (f) the basis upon which the proposing party claims said testimony to be reliable. Once the trial commences, no interruption in the testimony will be permitted. Any objection to a witness, and the grounds therefore, must be separately stated as Objections to Schedule G-1, G-2, etc.

10. Deposition Testimony. Any party proposing to use deposition testimony as evidence shall, at least three weeks prior to the trial date, notify all the adversaries of the testimony proposed to be read. Objections to any proposed deposition testimony shall be made in writing no later than two weeks prior to trial. The parties shall file with the Court copies of the depositions, indicating the portions to be read and the relative objections. The Court will rule on all such objections prior to commencement of the trial.

11. Exhibits. Schedules H-1, H-2, etc. list for the respective parties the exhibits to be offered in evidence by that party. Each list shall identify and describe each exhibit. Plaintiff's exhibits shall be identified by numbers, Defendant's by

letters. The parties recognize that they will not be allowed to use at trial any exhibits or witnesses not identified in this joint pretrial order except upon prompt notice to all parties and to the Court, and upon a showing of good cause.

12. Objections to Exhibits. Schedules I-1, I-2, etc. list for the respective parties each adversary's exhibits whose authenticity or admissibility are contested. The parties shall state the specific ground for objection to each contested exhibit listed therein.

13. Discovery. All discovery is complete. Undisclosed discovery which surfaces during trial will be deemed untimely and subject to the sanction of exclusion or imposition of a monetary fine, or both.

14. Jury Trial. The parties shall indicate whether the trial is a jury or non-jury trial. If it is a jury trial, the parties shall state whether the jury trial is applicable to all aspects of the case or only to certain issues, which shall be specified.

Additional Filing Prior to Trial in Jury Cases. In jury cases, unless otherwise ordered by the Court, each party shall file, at a date to be determined at the pretrial conference, requests to charge and proposed voir dire questions. When feasible, proposed jury charges should also be submitted on compact disk in WordPerfect X3 format. This paragraph does not preclude supplemental requests for additional instructions during the course of trial or at the conclusion of the evidence on matters that cannot reasonably be anticipated unless the Court has directed otherwise, and provided that no request to charge shall be accepted unless made and submitted to the Court twenty-four (24) hours in advance of the time that summation commences.

15. Pretrial Legal Memoranda. Not fewer than seven (7) days before the trial, each counsel shall provide the Court with memoranda of law containing a discussion of any unresolved issue not fully addressed by the Pretrial Summary Memorandum.

Filing will be deemed completed when received, without the exception provided under USCIT R. 5(e).

16. Trial Time. The trial will take approximately _____ days.

Donald C. Pogue

Dated: _____
New York, New York

Approved and Consented To:

Attorney for

Attorney for